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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,586	12/18/2001	Dipankar Ray	P15049	7955

7590 02/12/2007

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EXAMINER	
PYZOCHA, MICHAEL J	
ART UNIT	PAPER NUMBER
2137	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/12/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/025,586	RAY ET AL.	
	Examiner	Art Unit	
	Michael Pyzocha	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 January 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12 and 19-22* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12 and 19-22* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-12 and 19-22 are pending.

2. Amendment filed 01/09/2007 has been received and considered.

Claim Rejections - 35 USC § 112

3. The rejections under the second paragraph of 35 U.S.C. 112 have been withdrawn based on the filed amendment.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1-5, 7-9, and 19-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Levergood et al. (US 5708780) in view of Yoshino et al. and further in view of Zilliacus et al. (US 6915272).

As per claims 1, 8, 9, 19 and 20, Levergood et al. discloses a method of communicating data securely within a

wireless communications network, comprising the steps of: maintaining a database server and a separate authentication server (see figure 3) storing information and an associated data record within said database server, said information adapted to being accessed by a station, (see column 3 lines 21-55) transmitting, by said station a first authentication request to said authentication server; receiving said first authentication request at an authentication server from said mobile station; providing a first key from an authentication server to said mobile station in response to said first authentication request (see column 3 lines 21-43); receiving a second authentication request at an authentication server from said database server, said second authentication request further including said first key provided by said authentication server to said mobile station and a particular data identifying said information to which said mobile station is requesting access; determining as to whether said mobile station has authority to access said particular database record; and in response to an affirmative determination, instructing said database server to provide information associated with said requested database record to said mobile station; (see column 3 line 21 through column 4 line 23).

Levergood et al. fails to disclose the determining step being performed at the authentication server, the content being encrypted and providing the decryption key and the station being mobile.

However, Yoshino et al. teaches the determining step being performed at the authentication server, the content being encrypted and providing the decryption key (see paragraphs 17-23).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to use perform the authentication at the authentication server of Levergood et al. and for the content of Levergood to be encrypted.

Motivation to do so would have been that performing the authentication at the authentication server offloads processing to a server specifically developed to process authentication and encrypting the content protects the content.

The modified Levergood et al. and Yoshino et al. system fails to disclose the station being mobile, however, Zilliacus et al. teaches such a mobile station (see column 6 lines 20-45).

At the time of the invention it would have been obvious to one of ordinary skill in the art for the station of the modified Levergood et al. and Yoshino et al. system to be mobile.

Motivation to do so would have been to allow mobile phones to buy content for use on said phones.

As per claim 2, 3, 5, and 7, the modified Levergood et al., Yoshino et al. and Zilliacus et al. system fails to disclose a timeout and whether the key is generated from the first key and another key (data access key). However, official notice has been taken that it is common and well known in the art to have a timeout and to build a key from more than one key. It would have been obvious to one of ordinary skill in the art at the time the invention was filed to use a timeout and more than one key to build a key because doing so allows for limited use content and it increases security in the system since a third party would have to know separate keys to construct the actual key used.

As per claim 4, the modified Zilliacus et al. and Tabuki system discloses the step of instructing said database server to provide information to said mobile station further comprises the step of providing said database server with a third key wherein said third key is used by said database server to further encrypt said information (see Yoshino et al. Abstract and paragraphs 17-23).

6. Claims 6 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Levergood et al., Yoshino

et al. and Zilliacus et al. system as applied to claims 1 and 8 above, and further in view of Takamoto (US 20020108060).

As per claims 6 and 12, the modified Levergood et al., Yoshino et al. and Zilliacus et al. system fails to disclose the steps of updating the information.

However, Takamoto teaches receiving a third authentication request from said database server requesting authorization to update said particular database record by said mobile station (Takamoto: [0041]); determining whether said mobile station has authority to update said database record (Takamoto: [0041]); instructing said database server to allow said mobile station to update information associated with said database record (Takamoto: [0041]); providing said mobile station with said second key enabling said mobile station to encrypt any information to be transmitted over to the database server to be updated at said database record (Takamoto: [0041]).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to perform the steps of updating in the modified Zilliacus et al. and Tabuki system.

Motivation to do so would have been that doing so makes the system more robust by allowing the mobile station to update content and make changes to information stored on the database server.

7. Claims 10-11 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified Levergood et al., Yoshino et al. and Zilliacus et al. system as applied to claims 8 and 19 above, in view of Dang, (US 20030101113), and further in view of Honjo, (US 20020049912).

As per claims 10-11 and 21-22, the modified Levergood et al., Yoshino et al. and Zilliacus et al. system fails to disclose the use of a session key generated by the authentication server.

However, Dang and Honjo teach the step of receiving said request from said wireless device to access said information further comprises the step of receiving a session key generated by said authentication server from said wireless device (Dang: [0016]; Honjo: claim 11).

At the time of the invention it would have been obvious to a person of ordinary skill in the art to include the session key generated by an authentication server in the modified Levergood et al., Yoshino et al. and Zilliacus et al. system.

Motivation to do so would have been that doing so increases security in the system by ensuring that the session key is generated by a trusted source and doing so allows the session key computation to take place at the authentication server,

thereby reducing computation capacity required at the mobile station.

Response to Arguments

8. Applicant's arguments with respect to claims 1-12 and 19-22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Pyzocha whose telephone number is (571) 272-3875. The examiner can normally be reached on 7:00am - 4:30pm first Fridays of the bi-week off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MJP

EMMANUEL L. MOISE
SUPERVISORY PATENT EXAMINER